

House File 377 - Introduced

HOUSE FILE _____
BY QUIRK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the licensing and regulation of plumbers and
2 mechanical professionals, providing an appropriation and
3 penalties, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1688HH 82
6 jr/je/5

PAG LIN

1 1 Section 1. NEW SECTION. 104C.1 TITLE.
1 2 This chapter may be known and cited as the "Iowa Plumber
1 3 and Mechanical Professional Licensing Act".
1 4 Sec. 2. NEW SECTION. 104C.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Apprentice" means any person, other than a helper,
1 8 journeyperson, or master, who, as a principal occupation, is
1 9 engaged in working as an employee of a plumbing, HVAC,
1 10 refrigeration, or hydronic systems contractor under the
1 11 supervision of either a master or a journeyperson and is
1 12 learning and assisting in the design, installation, and repair
1 13 of plumbing, HVAC, refrigeration, or hydronic systems, as
1 14 applicable.
1 15 2. "Board" means the plumbing and mechanical systems
1 16 examining board as established pursuant to section 104C.3.
1 17 3. "Contractor" means a person or entity that provides
1 18 plumbing, HVAC, refrigeration, or hydronic systems services on
1 19 a contractual basis and who is paid a predetermined amount
1 20 under that contract for rendering those services.
1 21 4. "Department" means the Iowa department of public
1 22 health.
1 23 5. "Governmental subdivision" means any city, county, or
1 24 combination thereof.
1 25 6. "Helper" means a person engaged in general manual labor
1 26 activities who provides assistance to an apprentice,
1 27 journeyperson, or master.
1 28 7. "HVAC" means heating, ventilation, and air conditioning
1 29 in ducted systems. "HVAC" includes all natural, propane,
1 30 liquid propane, or other gas lines associated with any
1 31 component of an HVAC system.
1 32 8. "Hydronic" means a heating or cooling system that
1 33 transfers heating or cooling by circulating fluid through a
1 34 closed system, including boilers, pressure vessels,
1 35 refrigerated equipment in connection with chilled water
2 1 systems, all steam piping, hot or chilled water piping
2 2 together with all control devices and accessories, installed
2 3 as part of, or in connection with, any comfort heating or
2 4 comfort cooling system or appliance using a liquid water or
2 5 steam as the heating or cooling media. "Hydronic" includes
2 6 all low-pressure and high-pressure systems.
2 7 9. "Journeyperson" means any person, other than a master,
2 8 who, as a principal occupation, is engaged as an employee of,
2 9 or otherwise working under the direction of, a master in the
2 10 design, installation, and repair of plumbing, HVAC,
2 11 refrigeration, or hydronic systems, as applicable.
2 12 10. "Master" means any person who works in the planning or
2 13 superintending of the design, installation, or repair of
2 14 plumbing, HVAC, refrigeration, or hydronic systems and is
2 15 otherwise lawfully qualified to conduct the business of
2 16 plumbing, HVAC, refrigeration, or hydronic systems, and who is
2 17 familiar with the laws and rules governing the same.
2 18 11. "Mechanical professional" means a person engaged in
2 19 the HVAC, refrigeration, or hydronic industry.

2 20 12. "Mechanical systems" means HVAC, refrigeration, and
2 21 hydronic systems.

2 22 13. "Medical gas piping" means a permanent fixed piping
2 23 system in a health care facility which is used to convey
2 24 oxygen, nitrous oxide, nitrogen, carbon dioxide, helium,
2 25 medical air, and mixtures of these gases from its source to
2 26 the point of use and includes the fixed piping associated with
2 27 a medical, surgical, or gas scavenging vacuum system, as well
2 28 as a bedside suction system.

2 29 14. "Medical gas system installer" means any person who
2 30 installs or repairs medical gas piping, components, and vacuum
2 31 systems, including brazers, who has been issued a valid
2 32 certification from the national inspection testing
2 33 certification (NITC) corporation, or an equivalent authority
2 34 approved by the board.

2 35 15. "Plumbing" means all potable water building supply and
3 1 distribution pipes, all plumbing fixtures and traps, all
3 2 drainage and vent pipes, and all building drains and building
3 3 sewers, storm sewers, and storm drains, including their
3 4 respective joints and connections, devices, receptors, and
3 5 appurtenances within the property lines of the premises, and
3 6 including the connection to sanitary sewer, storm sewer, and
3 7 domestic water mains. "Plumbing" includes potable water
3 8 piping, potable water treating or using equipment, medical gas
3 9 piping systems, fuel gas piping, water heaters and vents,
3 10 including all natural, propane, liquid propane, or other gas
3 11 lines associated with any component of a plumbing system.

3 12 16. "Refrigeration" means any system of refrigeration
3 13 regardless of the level of power, if such refrigeration is
3 14 intended to be used for the purpose of food and product
3 15 preservation and is not intended to be used for comfort
3 16 systems.

3 17 Sec. 3. NEW SECTION. 104C.3 PLUMBING AND MECHANICAL
3 18 SYSTEMS EXAMINING BOARD.

3 19 1. A plumbing and mechanical systems examining board is
3 20 created within the Iowa department of public health.

3 21 2. The examining board shall be comprised of eleven
3 22 members, appointed by the governor and subject to confirmation
3 23 by the senate, as follows:

3 24 a. The director of the Iowa department of public health or
3 25 the director's designee.

3 26 b. The director of the Iowa department of public safety or
3 27 the director's designee.

3 28 c. One plumbing inspector.

3 29 d. One mechanical inspector.

3 30 e. A contractor who primarily works in rural areas.

3 31 f. An individual licensed as a journeyman plumber
3 32 pursuant to the provisions of this chapter or, for the initial
3 33 membership of the board, an individual eligible for such
3 34 licensure.

3 35 g. An individual working as a plumbing contractor and
4 1 licensed as a master plumber pursuant to the provisions of
4 2 this chapter or, for the initial membership of the board, an
4 3 individual eligible for such licensure.

4 4 h. Two individuals licensed as journeyman mechanical
4 5 professionals pursuant to the provisions of this chapter or,
4 6 for the initial membership of the board, two individuals
4 7 eligible for such licensure.

4 8 i. Two individuals licensed as master mechanical
4 9 professionals pursuant to the provisions of this chapter or,
4 10 for the initial membership of the board, two individuals
4 11 eligible for such licensure. One of these individuals shall
4 12 be a mechanical systems contractor.

4 13 The terms of the two plumber representatives on the board
4 14 shall not expire on the same date, and one of the two plumber
4 15 representatives on the board shall at all times while serving
4 16 on the board be affiliated with a labor union while the other
4 17 shall at all times while serving on the board not be
4 18 affiliated with a labor union.

4 19 The terms of the mechanical professional representatives on
4 20 the board shall not expire on the same date, and at least one
4 21 of the mechanical professional representatives on the board
4 22 shall at all times while serving on the board be affiliated
4 23 with a labor union while at least one of the other mechanical
4 24 professional representatives shall at all times while serving
4 25 on the board not be affiliated with a labor union.

4 26 3. Members shall serve three-year terms except for the
4 27 terms of the initial members, which shall be staggered so that
4 28 three members' terms expire each calendar year. A member of
4 29 the board shall serve no more than three full terms. A
4 30 vacancy in the membership of the board shall be filled by

4 31 appointment by the governor subject to senate confirmation.

4 32 4. If a person who has been appointed to serve on the
4 33 board has ever been disciplined by the board, all board
4 34 complaints and statements of charges, settlement agreements,
4 35 findings of fact, and orders pertaining to the disciplinary
5 1 action shall be made available to the senate committee to
5 2 which the appointment is referred at the committee's request
5 3 before the full senate votes on the person's appointment.

5 4 5. The board shall organize annually and shall select a
5 5 chairperson and a secretary from its membership. A quorum
5 6 shall consist of a majority of the members of the board.

5 7 6. Members of the board shall receive actual expenses for
5 8 their duties as a member of the examining board. Each member
5 9 of the board may also be eligible to receive compensation as
5 10 provided in section 7E.6

5 11 7. The board may maintain a membership in any national
5 12 organization of state examining boards for the professions of
5 13 plumbing, HVAC, refrigeration, or hydronic professionals, with
5 14 all membership fees to be paid from funds appropriated to the
5 15 board.

5 16 Sec. 4. NEW SECTION. 104C.4 RULES.

5 17 The board shall adopt all rules necessary to carry out the
5 18 licensing and other provisions of this chapter.

5 19 Sec. 5. NEW SECTION. 104C.5 APPLICATIONS FOR
5 20 EXAMINATIONS.

5 21 Any person desiring to take an examination for a license
5 22 issued pursuant to this chapter shall make application to the
5 23 board at least fifteen days before the examination, on a form
5 24 provided by the board. The application shall be accompanied
5 25 by the examination fee and such documents and affidavits as
5 26 are necessary to show the eligibility of the candidate to take
5 27 the examination. All applications shall be in accordance with
5 28 the rules of the department and the board and shall be signed
5 29 by the applicant. The board may require that a recent
5 30 photograph of the applicant be attached to the application.

5 31 Sec. 6. NEW SECTION. 104C.6 EXAMINATIONS.

5 32 1. The board shall give public notice of the time and
5 33 place of all examinations to be held under this chapter. Such
5 34 notice shall be given in such manner as the board deems
5 35 necessary to provide adequate time to allow all candidates for
6 1 licensure to comply with the provisions of this chapter.

6 2 2. Examinations for the licenses which may be issued
6 3 pursuant to this chapter shall be conducted at least two times
6 4 per year at such time and location as the department may fix
6 5 in cooperation with the board. Applicants who fail to pass an
6 6 examination shall be allowed to retake the examination at the
6 7 next scheduled time. Any subsequent opportunities to take the
6 8 examination are available only at the discretion of the board.
6 9 An applicant who has failed an examination may request in
6 10 writing information from the board concerning the examination
6 11 grade and subject areas or questions where the applicant
6 12 failed to answer correctly, except that if the board
6 13 administers a uniform, standardized examination, the board
6 14 shall only be required to provide the examination grade and
6 15 such other information concerning the applicant's examination
6 16 results which are available to the board.

6 17 3. Prior to each examination, the department shall
6 18 transmit to the board the list of candidates who are eligible
6 19 to take the examinations to be given by the board. In making
6 20 up such list, the department may call upon the board, or any
6 21 member thereof, for information relative to the eligibility of
6 22 any applicant.

6 23 4. An examination shall be evaluated in accordance with
6 24 the rules of the board. After each examination, the board
6 25 shall certify the names of the successful applicants to the
6 26 department in the manner prescribed by the department. The
6 27 department shall then issue the proper license and make the
6 28 required entry in the registry book.

6 29 5. All matters connected with an examination for a license
6 30 shall be filed with the department and preserved for such
6 31 period of time as specified by the state records commission as
6 32 a part of the records of the department. The records, except
6 33 for records which reveal the performance of identified
6 34 candidates, shall be open to public inspection.

6 35 Sec. 7. NEW SECTION. 104C.7 EXAMINATION RULES.

7 1 The board shall adopt rules relating to all of the
7 2 following:

7 3 1. The qualifications required for applicants seeking to
7 4 take examinations, which qualifications shall include a
7 5 requirement that an applicant who is a contractor shall be
7 6 required to provide the contractor's state contractor

7 7 registration number.

7 8 2. The denial of applicants seeking to take examinations.

7 9 3. The conducting of examinations.

7 10 4. The grading of examinations and passing upon the

7 11 technical qualifications of applicants, as shown by such

7 12 examinations.

7 13 5. The minimum scores required for passing standardized

7 14 examinations.

7 15 6. The selection of nationally recognized vendors

7 16 providing examinations.

7 17 Sec. 8. NEW SECTION. 104C.8 EXAMINATION ASSISTANCE.

7 18 Upon the request of the board, the department shall assign

7 19 one or more employees of the department to assist with any

7 20 examination given by the board. A member of the board shall

7 21 be present and shall have charge of all candidates during the

7 22 examination. An employee assigned by the department shall

7 23 perform such duties to assist with the examination process as

7 24 the board may direct. If the duties of such employees are

7 25 performed away from the seat of government, the employees

7 26 shall receive necessary travel expenses, which shall be paid

7 27 from the appropriations to the board in the same manner in

7 28 which other similar expenses are paid. The department shall

7 29 be reimbursed by the board for costs incurred.

7 30 Sec. 9. NEW SECTION. 104C.9 FEES.

7 31 1. The board shall set the fees for the examination of all

7 32 applicants, by rule, which fees shall be based upon the cost

7 33 of administering the examinations.

7 34 2. The board shall set the license fees and renewal fees

7 35 for all licenses issued pursuant to this chapter, by rule,

8 1 based upon the costs of sustaining the board and the actual

8 2 costs of licensing.

8 3 3. All fees shall be paid to the treasurer of state and

8 4 shall be deposited in a separate account within the

8 5 department. The moneys in the account and any accrued

8 6 interest, notwithstanding section 12C.7, subsection 2, are

8 7 appropriated to the department to fund the activities and

8 8 operations of the board.

8 9 4. Nothing in this chapter shall be interpreted to

8 10 prohibit the state or any of its governmental subdivisions

8 11 from charging construction permit fees or inspection fees

8 12 related to work performed by plumbers and mechanical

8 13 professionals.

8 14 Sec. 10. NEW SECTION. 104C.10 LICENSE OR CERTIFICATION

8 15 REQUIRED.

8 16 1. Except as provided in section 104C.11, a person shall

8 17 not install or repair plumbing, HVAC, refrigeration, or

8 18 hydronic systems without obtaining a license issued by the

8 19 board, or install or repair medical gas piping systems without

8 20 obtaining a valid certification approved by the board.

8 21 2. Except as provided in section 104C.11, a person shall

8 22 not engage in the business of designing, installing, or

8 23 repairing plumbing, HVAC, refrigeration, or hydronic systems

8 24 unless at all times a licensed master, who shall be

8 25 responsible for the proper designing, installing, and

8 26 repairing of the HVAC, refrigeration, or hydronic system, is

8 27 employed by the person and is actively in charge of the

8 28 plumbing, HVAC, refrigeration, or hydronic work of the person.

8 29 An individual who performs such work pursuant to a business

8 30 operated as a sole proprietorship shall be a licensed master

8 31 in the applicable discipline.

8 32 Sec. 11. NEW SECTION. 104C.11 EXEMPTION FROM LICENSING.

8 33 1. A person who performs plumbing, HVAC, refrigeration, or

8 34 hydronic work solely on the person's principal residence is

8 35 not required to obtain a plumbing, HVAC, refrigeration, or

9 1 hydronic license if that work is inspected by a person

9 2 licensed under this chapter. All plumbing, HVAC,

9 3 refrigeration, or hydronic work is also subject to any

9 4 applicable local ordinances.

9 5 2. Except as provided in section 104C.17, an architect

9 6 registered pursuant to chapter 544A or an engineer licensed

9 7 pursuant to chapter 542B who performs plumbing, HVAC,

9 8 refrigeration, or hydronic work is not required to obtain a

9 9 plumbing, HVAC, refrigeration, or hydronic license pursuant to

9 10 this chapter.

9 11 Sec. 12. NEW SECTION. 104C.12 FORM OF LICENSE.

9 12 A plumbing, HVAC, refrigeration, or hydronic license shall

9 13 be in the form of a certificate under the seal of the

9 14 department, signed by the Iowa director of public health, and

9 15 shall be issued in the name of the board. The number of the

9 16 book and page of the registry containing the entry of the

9 17 license in the office of the department shall be noted on the

9 18 face of the license.
9 19 Sec. 13. NEW SECTION. 104C.13 LICENSE PRESUMPTIVE
9 20 EVIDENCE.
9 21 A license issued under this chapter shall be presumptive
9 22 evidence of the right of the holder to practice in this state
9 23 the profession specified.
9 24 Sec. 14. NEW SECTION. 104C.14 DISPLAY OF MASTER LICENSE.
9 25 A person holding a master license under this chapter shall
9 26 keep the license publicly displayed in the primary place in
9 27 which the person practices.
9 28 Sec. 15. NEW SECTION. 104C.15 REGISTRY OF LICENSES.
9 29 The name, location, and number of years of practice of the
9 30 person to whom the license has been issued, the number of the
9 31 certificate, and the date of registration thereof shall be
9 32 entered in a registry kept in the office of the department to
9 33 be known as the plumbing, HVAC, refrigeration, or hydronic
9 34 registry. The registry shall be open to public inspection;
9 35 however, the home address of the licensee shall be
10 1 confidential.
10 2 Sec. 16. NEW SECTION. 104C.16 CHANGE OF RESIDENCE.
10 3 If a person licensed to practice as a plumbing, HVAC,
10 4 refrigeration, or hydronic professional under this chapter
10 5 changes their residence or place of practice, the person shall
10 6 so notify the department.
10 7 Sec. 17. NEW SECTION. 104C.17 PREEMPTION OF LOCAL
10 8 LICENSING REQUIREMENTS.
10 9 1. The provisions of this chapter regarding the licensing
10 10 of plumbing, HVAC, refrigeration, and hydronic professionals
10 11 shall supersede and preempt all plumbing, HVAC, refrigeration,
10 12 or hydronic licensing provisions of all governmental
10 13 subdivisions. On and after the effective date of this Act,
10 14 all plumbing and mechanical licensing provisions promulgated
10 15 by any governmental subdivision shall be null and void, except
10 16 reciprocal licenses as provided in section 104C.21, and of no
10 17 further force and effect, and a governmental subdivision may
10 18 not prohibit a plumbing, HVAC, refrigeration, or hydronic
10 19 professional licensed pursuant to this chapter from performing
10 20 services for which that person is licensed pursuant to this
10 21 chapter.
10 22 2. Nothing in this chapter shall prohibit a governmental
10 23 subdivision from assessing and collecting permit fees or
10 24 inspection fees related to work performed by plumbers and
10 25 mechanical professionals.
10 26 Sec. 18. NEW SECTION. 104C.18 QUALIFICATIONS AND TYPES
10 27 OF LICENSES ISSUED.
10 28 1. GENERAL QUALIFICATIONS. The board shall adopt, by
10 29 rule, general qualifications for licensure. The board may
10 30 consider the past felony record of an applicant only if the
10 31 felony conviction relates directly to the practice of the
10 32 profession for which the applicant requests to be licensed.
10 33 Character references may be required as part of the licensing
10 34 process, but shall not be obtained from licensed members of
10 35 the plumbing or mechanical profession.
11 1 2. PLUMBING, HVAC, REFRIGERATION, AND HYDRONIC LICENSES.
11 2 The board shall issue separate licenses for plumbing, HVAC,
11 3 refrigeration, and hydronic professionals as follows:
11 4 a. Apprentice license. In order to be licensed by the
11 5 department as an apprentice, a person shall do all of the
11 6 following:
11 7 (1) File an application, which application shall establish
11 8 that the person meets the minimum requirements adopted by the
11 9 board.
11 10 (2) Certify that the person will work under the
11 11 supervision of a licensed journeyman or master in the
11 12 applicable discipline.
11 13 (3) Be enrolled in an applicable apprentice program which
11 14 is registered with the United States department of labor
11 15 office of apprenticeship or a successor agency.
11 16 b. Journeyman license. In order to be licensed by the
11 17 department as a journeyman in the applicable discipline, a
11 18 person shall do all of the following:
11 19 (1) File an application and pay application fees as
11 20 established by the board, which application shall establish
11 21 that the person meets the minimum educational and experience
11 22 requirements adopted by the board.
11 23 (2) Pass the state journeyman licensing examination in
11 24 the applicable discipline.
11 25 (3) Provide the board with evidence of having completed at
11 26 least four years of practical experience.
11 27 c. Master license. In order to be licensed by the
11 28 department as a master, a person shall do all of the

11 29 following:

11 30 (1) File an application and pay application fees as
11 31 established by the board, which application shall establish
11 32 that the person meets the minimum educational and experience
11 33 requirements adopted by the board.

11 34 (2) Pass the state master licensing examination for the
11 35 applicable discipline.

12 1 (3) Provide evidence to the examining board that the
12 2 person has previously been a licensed journeyperson or
12 3 contractor in the applicable discipline or satisfies all
12 4 requirements required to be licensed as a journeyperson in the
12 5 applicable discipline.

12 6 (4) Provide evidence of public liability insurance
12 7 pursuant to section 104C.19.

12 8 3. COMBINED LICENSES. The department may issue single or
12 9 combined licenses to persons who qualify as a master,
12 10 journeyperson, or apprentice under any of the disciplines.

12 11 4. WAIVER. Notwithstanding section 17A.9A, the board may
12 12 waive the written examination requirements set forth in this
12 13 section for journeyperson and master licenses on a case-by-
12 14 case basis if the applicant meets either of the following
12 15 requirements:

12 16 a. The applicant meets both of the following requirements:

12 17 (1) The applicant has previously passed a written
12 18 examination which the board deems to be substantially similar
12 19 to the licensing examination otherwise required by the board
12 20 to obtain the applicable license.

12 21 (2) The applicant has completed at least eight classroom
12 22 hours of continuing education in courses or seminars approved
12 23 by the board within the two-year period immediately preceding
12 24 the date of the applicant's license application.

12 25 b. The applicant can demonstrate to the satisfaction of
12 26 the board that the applicant has five or more years of
12 27 experience prior to the effective date of this Act in the
12 28 plumbing, HVAC, refrigeration, or hydronic business, as
12 29 applicable, which experience is of a nature that the board
12 30 deems to be sufficient to demonstrate continuous professional
12 31 competency consistent with that expected of an individual who
12 32 passes the applicable licensing examination which the
12 33 applicant would otherwise be required to pass.

12 34 Sec. 19. NEW SECTION. 104C.19 INSURANCE REQUIREMENTS.

12 35 1. An applicant for a master license or renewal of an
13 1 active master license shall provide evidence of liability
13 2 insurance in an amount determined sufficient by the board by
13 3 rule.

13 4 2. If the applicant is engaged in plumbing, HVAC,
13 5 refrigeration, or hydronic work individually through a
13 6 business conducted as a sole proprietorship, the applicant
13 7 shall personally obtain the insurance required by this
13 8 section. If the applicant is engaged in the plumbing, HVAC,
13 9 refrigeration, or hydronic business as an employee or owner of
13 10 a legal entity, then the insurance required by this section
13 11 shall be obtained by the entity and shall cover all plumbing
13 12 or mechanical work performed by the entity.

13 13 3. The insurance shall be written by an insurer licensed
13 14 to do business in this state and each licensed master shall
13 15 maintain on file with the department a certificate evidencing
13 16 the insurance providing that the insurance shall not be
13 17 canceled without the insurer first giving fifteen days written
13 18 notice to the department.

13 19 Sec. 20. NEW SECTION. 104C.20 RENEWAL AND REINSTATEMENT
13 20 OF LICENSES == FEES AND PENALTIES == CONTINUING EDUCATION.

13 21 1. A license issued pursuant to this chapter shall be
13 22 issued for a term of two years.

13 23 2. A license issued under this chapter may be renewed as
13 24 provided by rule adopted by the board upon application by the
13 25 licensee, without examination. Applications for renewal shall
13 26 be made in writing to the department accompanied by the
13 27 required renewal licensing fee at least thirty days prior to
13 28 the expiration date of the license.

13 29 3. A renewal license shall be displayed in connection with
13 30 the original license.

13 31 4. The department shall notify each licensee by mail at
13 32 least sixty days prior to the expiration of a license.

13 33 5. Failure to renew a license within a reasonable time
13 34 after the expiration of the license shall not invalidate the
13 35 license, but a reasonable penalty may be assessed as adopted
14 1 by rule, in addition to the license renewal fee, to allow
14 2 reinstatement of the license.

14 3 6. A licensee who allows a license to lapse for a period
14 4 of one month or less may reinstate and renew the license

14 5 without examination upon the recommendation of the board and
14 6 upon payment of the applicable renewal and reinstatement fees.
14 7 7. A licensee who allows a license to lapse for a period
14 8 of time greater than one month is required to retake and pass
14 9 the applicable licensing examination in order to obtain
14 10 reinstatement and renewal of that person's license.

14 11 8. The board shall establish continuing education
14 12 requirements pursuant to section 272C.2. The basic continuing
14 13 education requirement for renewal of a license shall be the
14 14 completion, during the immediately preceding license term, of
14 15 the number of classroom hours of instruction required by the
14 16 board in courses or seminars which have been approved by the
14 17 board. The board shall require at least eight classroom hours
14 18 of instruction during each two-year licensing term.

14 19 Sec. 21. NEW SECTION. 104C.21 RECIPROCAL LICENSES.

14 20 The board may license without examination a nonresident
14 21 applicant who is licensed under plumbing, HVAC, refrigeration,
14 22 or hydronic professional licensing statutes of another state
14 23 having similar licensing requirements as those set forth in
14 24 this chapter and the rules adopted under this chapter if the
14 25 other state grants the same reciprocal licensing privileges to
14 26 residents of Iowa who have obtained Iowa plumbing or
14 27 mechanical professional licenses under this chapter. The
14 28 department and the board shall adopt the necessary rules, not
14 29 inconsistent with the law, for carrying out the reciprocal
14 30 relations with other states which are authorized by this
14 31 chapter.

14 32 Sec. 22. NEW SECTION. 104C.22 GROUNDS FOR DENIAL,
14 33 REVOCATION, OR SUSPENSION OF LICENSE.

14 34 A license to practice as a plumbing, HVAC, refrigeration,
14 35 or hydronic professional may be revoked or suspended, or an
15 1 application for licensure may be denied pursuant to procedures
15 2 established pursuant to chapter 272C by the board, or the
15 3 licensee may be otherwise disciplined in accordance with that
15 4 chapter, when the licensee commits any of the following acts
15 5 or offenses:

- 15 6 1. Fraud in procuring a license.
- 15 7 2. Professional incompetence.
- 15 8 3. Knowingly making misleading, deceptive, untrue, or
15 9 fraudulent misrepresentations in the practice of the
15 10 profession or engaging in unethical conduct or practice
15 11 harmful or detrimental to the public. Proof of actual injury
15 12 need not be established.
- 15 13 4. Conviction of a felony related to the profession or
15 14 occupation of the licensee or the conviction of any felony
15 15 that would affect the licensee's ability to practice within
15 16 the profession. A copy of the record or conviction or plea of
15 17 guilty shall be conclusive evidence of such conviction.
- 15 18 5. Fraud in representations as to skill or ability.
- 15 19 6. Use of untruthful or improbable statements in
15 20 advertisements.
- 15 21 7. Willful or repeated violations of this chapter.
- 15 22 8. Aiding and abetting a person who is not licensed
15 23 pursuant to this chapter in that person's pursuit of an
15 24 unauthorized and unlicensed plumbing, HVAC, refrigeration, or
15 25 hydronic professional practice.
- 15 26 9. Failure to meet the commonly accepted standards of
15 27 professional competence.
- 15 28 10. Any other such grounds as established by rule by the
15 29 board.

15 30 Sec. 23. NEW SECTION. 104C.23 JURISDICTION OF REVOCATION
15 31 AND SUSPENSION PROCEEDINGS.

15 32 The board shall have exclusive jurisdiction of all
15 33 proceedings to revoke or suspend a license issued pursuant to
15 34 this chapter. The board may initiate proceedings under this
15 35 chapter or chapter 272C, following procedures set out in
16 1 section 272C.6, either on its own motion or on the complaint
16 2 of any person. Before scheduling a hearing, the board may
16 3 request the department to conduct an investigation into the
16 4 charges to be addressed at the board hearing. The department
16 5 shall report its findings to the board.

16 6 Sec. 24. NEW SECTION. 104C.24 NOTICE AND DEFAULT.

- 16 7 1. A written notice stating the nature of the charge or
16 8 charges against a licensee and the time and place of the
16 9 hearing before the board on the charges shall be served on the
16 10 licensee not less than thirty days prior to the date of
16 11 hearing either personally or by mailing a copy by certified
16 12 mail to the last known address of the licensee.
- 16 13 2. If, after having been served with the notice of
16 14 hearing, the licensee fails to appear at the hearing, the
16 15 board may proceed to hear evidence against the licensee and

16 16 may enter such order as is justified by the evidence.

16 17 Sec. 25. NEW SECTION. 104C.25 ADVERTISING == VIOLATIONS
16 18 == PENALTIES.

16 19 1. Only a person who is duly licensed pursuant to this
16 20 chapter may advertise the fact that the person is licensed as
16 21 a plumbing, HVAC, refrigeration, or hydronic professional by
16 22 the state of Iowa.

16 23 2. All written advertisements distributed in this state by
16 24 a person who is engaged in the business of designing,
16 25 installing, or repairing plumbing, HVAC, refrigeration, or
16 26 hydronic systems shall include the listing of at least one
16 27 master license number, as applicable. A master plumbing,
16 28 HVAC, refrigeration, or hydronic professional shall not allow
16 29 the master's license number to be used in connection with the
16 30 advertising for more than one person engaged in the business
16 31 of designing, installing, or repairing plumbing, HVAC,
16 32 refrigeration, or hydronic systems.

16 33 3. A person who engages in the business of designing,
16 34 installing, or repairing plumbing, HVAC, refrigeration, or
16 35 hydronic systems shall display at least one master license
17 1 number, as applicable, on all of the person's company motor
17 2 vehicles used in the performance of such work.

17 3 4. A person who fraudulently claims to be a licensed
17 4 plumbing, HVAC, refrigeration, or hydronic professional
17 5 pursuant to this chapter, either in writing, cards, signs,
17 6 circulars, advertisements, or other communications, is guilty
17 7 of a simple misdemeanor.

17 8 5. A person who fraudulently lists a master plumbing,
17 9 HVAC, refrigeration, or hydronic license number in connection
17 10 with that person's advertising or falsely displays a master
17 11 plumbing, HVAC, refrigeration, or hydronic professional
17 12 license number is guilty of a simple misdemeanor. In order to
17 13 be entitled to use a license number of a master plumbing,
17 14 HVAC, refrigeration, or hydronic professional, the master
17 15 plumbing, HVAC, refrigeration, or hydronic professional must
17 16 be employed by the person in whose name the business of
17 17 designing, installing, or repairing plumbing or mechanical
17 18 systems is being conducted.

17 19 Sec. 26. NEW SECTION. 104C.26 INJUNCTION.

17 20 A person engaging in any business or in the practice of any
17 21 profession for which a license is required by this chapter
17 22 without such license may be restrained by permanent
17 23 injunction.

17 24 Sec. 27. NEW SECTION. 104C.27 FORGERIES == PENALTY.

17 25 A person who files or attempts to file with the department
17 26 or board any false or forged diploma or certificate, or
17 27 affidavit of identification or qualification, is guilty of a
17 28 serious misdemeanor.

17 29 Sec. 28. NEW SECTION. 104C.28 FRAUD == PENALTY.

17 30 A person who presents to the department or board a diploma
17 31 or certificate of which the person is not the rightful owner,
17 32 for the purpose of procuring a license pursuant to this
17 33 chapter, or who falsely impersonates anyone to whom a license
17 34 has been issued by the board is guilty of a serious
17 35 misdemeanor.

18 1 Sec. 29. NEW SECTION. 104C.29 PENALTY.

18 2 A person violating any provision of this chapter, if a
18 3 specific penalty is not otherwise provided, is guilty of a
18 4 simple misdemeanor for the first offense. Each subsequent
18 5 offense is a serious misdemeanor.

18 6 Sec. 30. NEW SECTION. 104C.30 ENFORCEMENT.

18 7 The department shall enforce the provisions of this chapter
18 8 and for that purpose may request the department of inspections
18 9 and appeals to make necessary investigations. Every licensee
18 10 and member of the board shall furnish the department or the
18 11 department of inspections and appeals such evidence as the
18 12 licensee or member may have relative to any alleged violation
18 13 which is being investigated.

18 14 Sec. 31. NEW SECTION. 104C.31 REPORT OF VIOLATORS.

18 15 Every licensee and every member of the board shall report
18 16 to the department the name of every person who is practicing
18 17 as a plumber or mechanical professional without a license
18 18 issued pursuant to this chapter pursuant to the knowledge or
18 19 reasonable belief of the person making the report.

18 20 Sec. 32. NEW SECTION. 104C.32 ATTORNEY GENERAL AND
18 21 COUNTY ATTORNEY.

18 22 Upon request of the department, the attorney general shall
18 23 institute in the name of the state the proper proceedings
18 24 against any person charged by the department with violating
18 25 any provision of this chapter and the county attorney, at the
18 26 request of the attorney general, shall appear and prosecute

18 27 such action when brought in the county attorney's county.

18 28 Sec. 33. Section 272C.1, subsection 6, Code 2007, is
18 29 amended by adding the following new paragraph:

18 30 NEW PARAGRAPH. ae. The plumbing and mechanical systems
18 31 examining board, created pursuant to chapter 104C.

18 32 Sec. 34. Section 272C.3, subsection 2, paragraph a, Code
18 33 2007, is amended to read as follows:

18 34 a. Revoke a license, or suspend a license either until
18 35 further order of the board or for a specified period, upon any
19 1 of the grounds specified in section 104C.22, 147.55, 148.6,
19 2 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10,
19 3 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151
19 4 or 155, as applicable, or upon any other grounds specifically
19 5 provided for in this chapter for revocation of the license of
19 6 a licensee subject to the jurisdiction of that board, or upon
19 7 failure of the licensee to comply with a decision of the board
19 8 imposing licensee discipline;

19 9 Sec. 35. Section 272C.4, subsection 6, Code 2007, is
19 10 amended to read as follows:

19 11 6. Define by rule acts or omissions that are grounds for
19 12 revocation or suspension of a license under section 104C.22,
19 13 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
19 14 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or
19 15 602.3203 or chapter 151 or 155, as applicable, and to define
19 16 by rule acts or omissions that constitute negligence, careless
19 17 acts, or omissions within the meaning of section 272C.3,
19 18 subsection 2, paragraph "b", which licensees are required to
19 19 report to the board pursuant to section 272C.9, subsection 2;

19 20 Sec. 36. Section 272C.5, subsection 2, paragraph c, Code
19 21 2007, is amended to read as follows:

19 22 c. Shall state whether the procedures are an alternative
19 23 to or an addition to the procedures stated in sections 104C.23
19 24 and 104C.24, 147.58 through 147.71, 148.6 through 148.9,
19 25 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35,
19 26 543B.36, and 544B.16.

19 27 Sec. 37. EFFECTIVE DATE. This Act takes effect January 1,
19 28 2008.

19 29 EXPLANATION

19 30 This bill establishes a license for persons who provide
19 31 plumbing, heating, ventilation, and air conditioning (HVAC)
19 32 services performed in ducted systems, all gas lines associated
19 33 with any component of a plumbing or mechanical system, or
19 34 services performed on refrigeration or hydronic systems.

19 35 The bill supersedes and preempts all licensing requirements
20 1 of government subdivisions that relate to plumbing, HVAC,
20 2 refrigeration, or hydronic services.

20 3 The bill establishes a licensing board to test, license,
20 4 and discipline persons licensed under the bill. The board is
20 5 created as part of the Iowa department of public health, which
20 6 is required to provide staff support for board operations.
20 7 Licenses come in three categories and vary according to
20 8 experience: apprentice, journey person, and master. Master
20 9 licensees must present proof of liability insurance as a
20 10 condition of licensure.

20 11 The bill limits advertising for plumbing, HVAC,
20 12 refrigeration, or hydronic services to persons licensed.

20 13 The bill provides that it is a serious misdemeanor to
20 14 either forge a diploma or certificate or to commit fraud in
20 15 order to obtain a license. Any other violation of the Code
20 16 chapter is a simple misdemeanor.

20 17 The bill takes effect January 1, 2008.

20 18 LSB 1688HH 82

20 19 jr:nh/je/5